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January 7, 2018

VIA EMAIL ONLY

Dave Maass
c/o MuckRock News
Dept MR 66013
411A Highland Avenue
Somerville, MA 02144-2516
66013-08588810@requests.muckrock.com

Re: Public Records Request dated December 13, 2018
Our Request No. 18-MCSO-175

Dear Mr. Maass:

This office represents the Marin County Sheriff's Office. The purpose of this letter is to respond to your Public Records Act request dated December 13, 2018, regarding "[m]aterials related to this agency's acquisition of, access to, preservation of, or disclosure of automated license plate readers (ALPR) or ALPR data."

As a preliminary matter, to the extent the requested records contain any confidential personal or medical information that is exempt under the California Public Records Act, individual privacy rights under the United States Constitution, individual privacy rights under the California State Constitution, or any Federal or State confidentiality or medical information privacy statute, such protected information has been redacted prior to the document's disclosure. (Government Code section 6254(k), incorporating United States Constitution and California Constitution.)

Further, responsive documents pursuant to your request will not be produced based on the following:

1. Preliminary drafts exempt from disclosure pursuant to Government Code Section 6254(a).
2. Confidential information protected by the attorney-client privilege or attorney work product doctrine. Government Code Section 6254(k) and Evidence Code Section 950 et seq.
3. Records, the disclosure of which is exempted or prohibited pursuant to federal or state law. Government Code Section 6254(k).

4. Records exempt because the public interest in withholding the records clearly outweighs the public interest in disclosure of the records. Government Code Section 6255.

5. Records exempt from disclosure as investigative and intelligence information. Government Code Section 6254(f).

Request No. 1: Policies related to the adoption of ALPR technology, including those guiding the procurement process or necessary administrative obligations before acquisition.

Response to Request No. 1: Please see the enclosed documents.

Request No. 2: Training policies, requirements, and materials for automatic license plate reader system operators.

Response to Request No. 2: Please see the enclosed documents.

Request No. 3: Databases used to compare data obtained by the automatic license plate reader system.

Response to Request No. 3: Under the California Public Records Act (Cal. Gov't Code §§ 6250, et seq.), a public entity must provide the public access to existing, disclosable public records. However, it does not require public entities to provide information, answer questions, complete submitted documents, or create new documents. The Marin County Sheriff's Office does not have any responsive documents to this request. However, as a courtesy, the Marin County Sheriff's Office provides the following information: Vigilant Learn System.

Request No. 4: Policies related to the retention and security of captured ALPR data, including those regarding:

- the length of time after capture that data may be preserved
- exceptions to general data preservation policies
- internal data security and access
- data destruction

Response to Request No. 4: Please see the enclosed documents.

Request No. 5: Policies related to the sharing of captured ALPR data by this agency with other agencies, including those directing:

- the manner in which another agency may request data
- the circumstances under which captured data may be shared, and
- the responsibilities of the recipient agency in regards to data retention and use.
- access by this agency to data obtained by automatic license plate reader systems not operated by the law enforcement agency. Please also provide the number of requests made by outside agencies, if applicable.

Response to Request No. 5: The Marin County Sheriff's Office does not have any responsive documents to this request. However, as a courtesy, the Marin County Sheriff's Office provides the following example, enclosed - "LPR_Data_Sharing_MOU."

Request No. 6: Policies related to the sale of data or the sharing of data with non-law enforcement actors. If applicable, please provide all agreements between this agency and non-law enforcement actors.

Response to Request No. 6: The Marin County Sheriff's Office does not have any responsive documents to this request.

Request No. 7: Policies regarding oversight of automatic license plate reader system use.

Response to Request No. 7: Please see the enclosed documents.

Request No. 8: Audit Reports.

Response to Request No. 8: The request is not sufficiently clear enough to permit the Marin County Sheriff's Office to determine what documents you seek. Accordingly, we cannot determine whether the Marin County Sheriff's Office has any documents under its control responsive to your request. Please clarify your request and re-submit it.

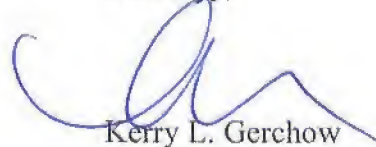
Request No. 9: Policies related to maintenance and calibration. Please also provide maintenance and calibration schedules and records for the system on file.

Response to Request No. 9: The Marin County Sheriff's Office does not have any responsive documents to this request.

Request No. 10: Any other policies or reports on subjects related to automatic license plate reader system use by the agency.

Response to Request No. 10: The Marin County Sheriff's Office does not have any responsive documents to this request.

Sincerely,



Kerry L. Gerchow
Deputy County Counsel

Enclosures



MARIN COUNTY SHERIFF'S DEPARTMENT

Vigilant ALPR User Guide CarDetector

Vigilant Mobile CarDetector:

Once you are logged into Mobile CarDetector you will be presented with the home screen that looks like this.

Scans will show here

Close up of license plate will show here

All previous scans will show here

All these should be green

Hits	Plate	Plate Number	Camera
	6ZDJ636	6ZDJ636	Driver Front
	7WTC677	7WTC677	Driver Front
	7ZHX677	7ZHX677	Driver Front
	6TYY974	6TYY974	Driver Front
	6ZDJ627	6ZDJ627	Driver Front
	7FVW145	7FVW145	Passenger Front

Using the Menu:

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Used for initial setup

This is setup to happen automatically on our systems

Can be used if scanning an area for a specific event

This is used to add a plate to the system in your car (see below for further)

Allows the search of plates scanned by the system (see below for further)

Switches between day and night mode

Minimizes the program

Closes the program and log the user off

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Add Plate:

This button opens the window below. This allows a hot plate to be added to the system in the car it is installed in or to all ALPR systems belonging to the Sheriff's Office. This does not add the plate to the global system. Make sure to set an expiration date for the hot plate, otherwise it will be listed as a hot plate indefinitely. Examples of when this may be useful, Missing person with vehicle, suspect vehicle etc. The hot list that is automatically uploaded to the CarDetector system is based on SVS information. There is often a delay from when the plate is entered into SVS and when it is uploaded as a hotlist to the CarDetector system in each car.

Plate of vehicle

Why the plate is wanted

High Low Medium Priority
(Stolen Car = high / Stolen plate = medium)

The reason the plate is being entered
(Stolen, Missing Person etc)

You can add requests in field entry such
As call upon location or do not stop
Depending on the investigation

Choose all Agency LPR system or
Current user only here

Make sure to set an expiration date

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Search Plate:

Search plate is used to search the scans completed by the ALPR system in that particular vehicle.

The screenshot shows the 'Vigilant Mobile LPR' application window. The title bar includes 'License: John Pence - System: Auto 1.1.1.1'. The main window has a title 'Search LPR Records'. On the left, under 'Search Options', there are input fields for 'License Plate #' (with a cursor), 'Record Type' (set to 'Detection'), 'Source' (set to 'JPA'), 'Match Type' (set to 'All'), 'Partial Plate' (set to 'None'), and 'Record Volume' (set to 'Last 50 Records'). Below these is an 'Execute Search' button. To the right is a large empty rectangular area. Below the search options is a 'Search Return (0 Records)' section with a table header: 'Plate Number', 'Date', and 'Type'. Below the header is an empty table area. At the bottom of this section are 'Output Report' and 'Close' buttons. The bottom status bar shows 'About Car Detector', '7F-VW145', and 'Passenger Front'. The Windows taskbar at the bottom shows the Start button, several application icons, and a system clock showing 7:15 PM.

Enter plate here

Click to run search

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Alert Pop-up:

This is what will open on computer screen when a hot plate is scanned.

- Look to see what kind of hit the system alerted to.
(Stolen vehicle, stolen plate, missing person, etc)
- Verify the plate matches what the system thought it scanned.
(Sometimes the system will miss read characters and give a false hit).
- Next verify through dispatch that the plate is still entered in CLETS.
(Sometimes plates will be removed from CLETS, but still in ALPR)
- Once confirmed take appropriate action.



- Once the alert has been dealt with click either "correct hit" or "incorrect hit"



MARIN COUNTY SHERIFF'S DEPARTMENT

Vigilant ALPR User Guide Online Learn System

Vigilant ALPR has a web based data base used for searching previous scans from our department's LPR systems, as well as other Marin County agencies and agencies outside of Marin that share there plate scans with us. The information on this website is useful while conducting investigations. This information can be used when trying to learn where a vehicle frequents if the registered address is no good. The database can also be searched by location and time frame to develop a possible license plate.

The website is <https://learn-nvls.com/>

Username is your email.

Password is what you created to login to the system in the vehicle

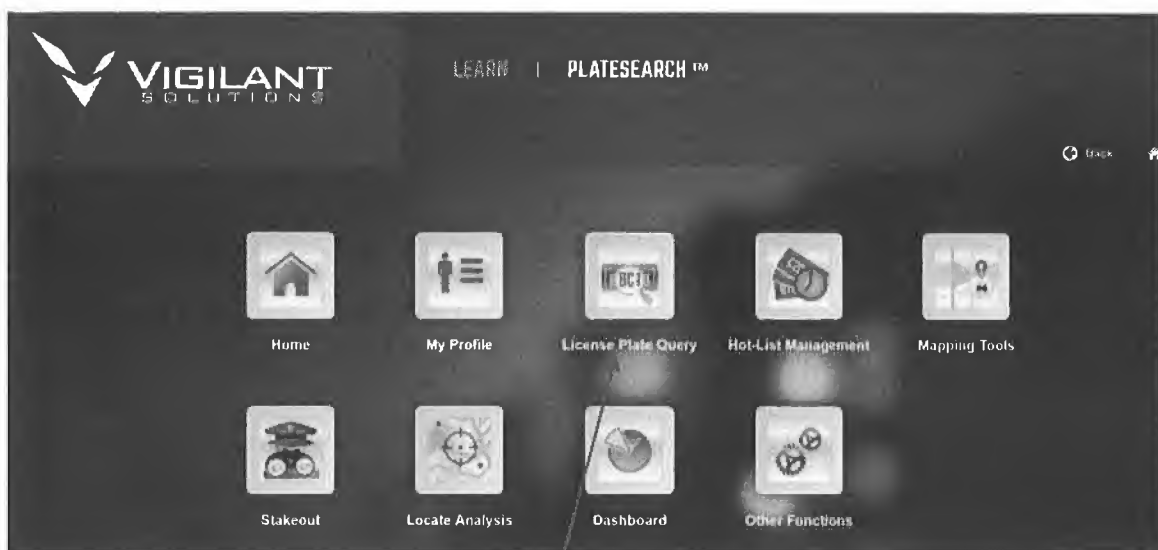


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After logging in you will be taken to this page. Click the icon with the car that says plate search



This will take you to the page below. Here you can search by plate number, or location. You can also upload a plate to the ALPR system.



To search by plate click "License plate Query"

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Then click "Quick Search"



You can enter a plate here or here and click search.

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A pop-up will appear asking you to enter a case number and reason. Enter a case number if you have one, otherwise put suspect or similar

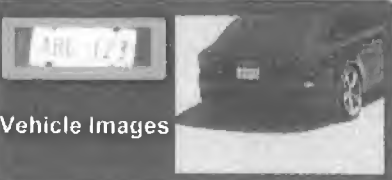
After entering this information you will be taken to this screen with your results

Highlight a scan by clicking on it and click "view" This will open a new page with more info about that scan

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LEARN - Detection Report Detail

Powered By: **VIGILANT SOLUTIONS**

Vehicle Images: 

Buttons: Preserve, Add Hot, Output Report

Detection Data

Vehicle Info		Camera Info	Scanned By
Plate # 1	ABC123	Name	ReaperSD
Plate # 2	ABC123	Type	CDFS Mobile Camera
Date	04-29-18	Longitude	-84.337799
Time	2:51:38 PM GMT-05:00	Latitude	33.917099
Make	AUDI		
Model	Q7		
Year	2018		
		Agency	Brookhaven Police Department
		User	GP_BKHN_S23_2
		System	GP23 - Ashford Dunwoody Rd Triangle
		Server	Local

Buttons: Edit, Get Vehicle Info, Map It, Show Address

Comments

Enter Subject: Enter New Comment: Last Comment:

Buttons: Add Comment

Some scans will be able to provide vehicle information

Clicking "Map It" will open a new window with the scan location on a map

Clicking "Show Address" will open a pop-up with the approximate address of where the vehicle was located when scanned

LEARN - Nearest Address

Address Information

Nearest Address: 4236 Ashford Dunwoody Rd NE Atlanta, GA 30319

Nearest Intersection: Ashford Dunwoody Rd I- 285

Approximate Vehicle Distance to Address:

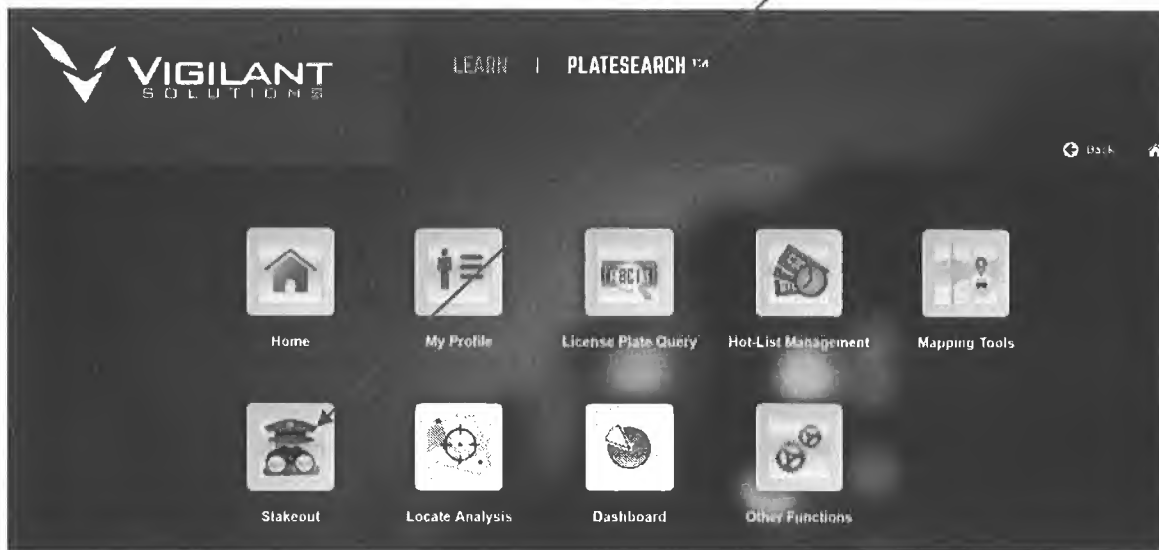
Disclaimer: The address listed above is only an estimate.

Buttons: Close

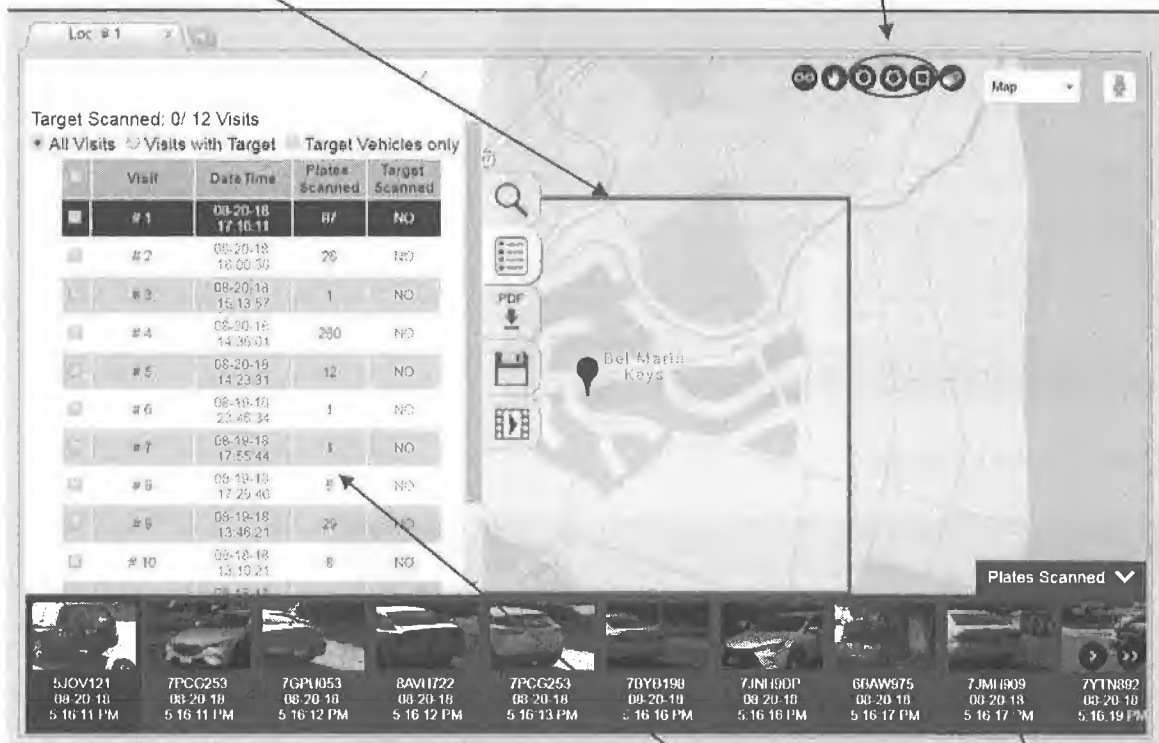


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To search by location click the icon that says "Stakeout"



This opens a window with a map. Use one of these buttons to draw a box around an area you want to search



A list of scans in that area will show on the left side of the screen with the date and time of the scans in that area. Click on one and it will show thumbnails of the scans on the bottom of the screen

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To add a hotplate using the web based system, click the icon that says "Hot-List Management"



Then "Upload Hot-List"



Then "Add Hot-List"



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Then "Add Hot-Plate" or "Batch Hot-Plate" for more than one plate



Add Hot-Plate opens this window. Click the more options button to get this display

Plate to be added (Include state)

The reason the plate is being added (Stolen, missing person, etc)

What systems the plate will be added to

Can setup so only an email alert will be sent if the plate is scanned

Make sure to enter an expiration date

High Low Medium Priority (Stolen Car = high, Stolen plate = medium)

What the plate is being entered for

Request or additional information can be added such as call upon location, or do not stop, depending on the investigation

Enter Hot-Plate Information

Hot Plate:

State:

Alert:

Distribution:

Add New

Less Options (Up Arrow)

Email Recipient(s):

☒ Make Inactive after Days

☐ Assign Alert Level:

☐ Generate historical Hits for last Days

☐ Order Date:

Source:

Add Hot-List Fields

Custom Hot-List Fields:

☐ Title:

☐ Data:

Default Hot-List Fields:

Add Comment

Enter Subject:

Enter New Comment:

Load Hot Plate **Cancel**

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MEMORANDUM OF UNDERSTANDING BETWEEN AGENCIES

License Plate Recognition (LPR) Equipped Law Enforcement Agencies

FOR SHARING LPR DETECTION DATA AND HOTLISTS

I. OVERVIEW

A. Introduction:

The purpose of this "Memorandum of Understanding" (MOU) is to outline conditions under which the Agency Parties (Marin County Sheriffs Office and San Rafael Police Department) will share and use "LPR detection data" (scanned plates) and/or "hotlist" information as defined on the last page of this MOU. The Vigilant Solutions' hosted system provides for simple point-and-click data sharing between credentialed Agency Managers with data sharing privileges enabled by their respective agencies.

This MOU provides a basic understanding for the sharing of data between agencies; any additional requirements (liabilities, governing law, etc) should be documented separately in a written agreement between agencies.

B. Background:

License Plate Recognition (LPR) is a computer-based system that utilizes emerging technology to capture a color image, as well as an infrared image, of the license plate of a vehicle. The infrared image is converted into a text file utilizing Optical Character Recognition (OCR) technology. The text file is automatically compared against an "informational data file," also known as a "hotlist," and can contain information on stolen or wanted vehicles as well as vehicles associated with Amber Alerts, warrant subjects, and agency defined-information.

LPR cameras can be mobile (mounted on vehicles) or on fixed positions such as freeway overpasses or traffic signals. LPR systems have all the necessary equipment to scan plates, notify the user of a vehicle hit, and upload the LPR detection data into an LPR repository for retention and research.

The Agencies entering into this MOU, realizing the mutual benefits to be gained by sharing information, seek to share LPR detection data and/or hotlist information as defined on the last page of this MOU.

II. AUTHORIZED RELEASE OF INFORMATION

A. Sharing of Information:

Each Agency Party authorizes access to its LPR detection data and/or hotlist information as defined on the last page of this MOU residing in its Vigilant Solutions account to other Agency Parties as permitted by applicable state law. An Agency Party that does not want certain information made available to any other Agency Party is responsible for ensuring that the information is not made available for data sharing. There is no obligation to share LPR detection data and/or hotlist information with any Agency Parties based solely on this MOU.

B. Limitation on Information Sharing:

LPR detection data and/or hotlist information shall only be shared with or released to authorized employees of the Agency Parties who have an approved login and password ("Authorized Users"), and a need and/or right to know.

III. INFORMATION OWNERSHIP

A. Ownership:

Each Agency Party retains control of all information in its account. Each Agency Party is responsible for creating, updating, and deleting records in its own account according to its own retention policies. Each Agency Party shall use reasonable efforts to ensure the completeness and accuracy of its data.

B. Release of Information:

Agency Parties and authorized users shall release or make available information accessed from an LPR account only to persons or entities authorized to receive LPR information.

C. Unauthorized Requests:

If an Agency Party receives a request for information in an LPR account by anyone who is not authorized to receive information from the LPR account, that Agency Party shall refer the request to the law enforcement agency that originated the requested information ("Source Agency").

D. Public Record Requests, Subpoenas and Court Orders:

Any Agency Party receiving a public records request, subpoena, or court order ("Legal Request") for information in an LPR account not authored by or originated by that Agency Party shall immediately provide a copy of the Legal Request to the

IV. USER ACCESS

A. Login Application Process:

Each Agency Party's Agency Manager is responsible for management of user accounts at that Agency Party. Each Agency Party agrees that all authorized users shall be limited to current employees who are legally authorized to review criminal history data for crime prevention and detection purposes. Each potential user shall submit a request for a login and password to the Agency Manager. The Agency Manager shall have discretion to deny or revoke individual access for their respective agency.

B. Login Assignment:

Each Authorized User will be issued a user login and a password by the Agency Manager. Authorized Users may be assigned to groups that have different levels of access rights based on the level of restriction of the information.

C. Termination of Logins:

Each Agency Manager is responsible for timely removal of any login accounts as Authorized Users leave the Agency, no longer qualify for access into the system, or are denied access by the Agency Manager for any other reason.

D. Intended Use:

Each Authorized User agrees that LPR detection data, hotlist information, and the networking resources are to be used solely for law enforcement purposes only and consistent with the law. Authorized Users shall not use or share the information for any unethical, illegal, criminal, or commercial purpose.

E. Limitations on Use of Logins:

An Authorized User shall not access information in an LPR repository by using a name or password that was assigned to another user. An Authorized User shall not give his or her password to another person, including another user, to access the system.

F. Audit Trail:

Each transaction is to be logged, to include a Case Number, and an audit trail

created. Each Agency Manager shall conduct an internal audit on a periodic basis to ensure user queries are made for legitimate law enforcement purposes only. This information shall be recorded and retained to allow the agency manager to complete the internal audit. Each agency manager shall maintain the audit trail pursuant to the retention policies of that Agency Party. Requests for transaction logs shall be made in writing to the Agency Manager, who shall provide the logs to the requesting party within a reasonable amount of time.

V. CONFIDENTIALITY OF INFORMATION

A. Information Confidentiality:

Information in an LPR account is confidential and is not subject to public disclosure, except as required by law. Only Authorized Users are allowed to view and use the information in an LPR account. Otherwise, the information shall be kept confidential for purposes of not compromising active investigations or undercover operations, jeopardizing officer or public safety.

B. Internal Requests for Information:

An Authorized User who receives a request from a non-authorized requestor for information in an LPR account shall not release that information, but may refer the requestor to the Source Agency.

C. Removal or Editing of Records:

Agency Parties shall determine their own schedule for record deletion and other edits to their own data. This will be determined by policy and/or legal requirements.

VI. MOU TERMS

A. Term:

This MOU will commence upon its creation, which occurs on the date that the data share takes place within the Vigilant Solutions hosted platform. It may be terminated at any time when an Agency Manager revokes data sharing access from another agency.

VII. EXECUTION OF MOU

This MOU is executed by the Parties below, for the below-described data. Each Party acknowledges that it has received a copy of this MOU, and will comply with its terms and conditions. Each Party certifies that he/she is authorized by its Party to execute this data

sharing relationship.

Data Shared Between Parties: Marin County Sheriffs Office DETECTION DATA

Sharing Agency: Marin County Sheriffs Office

Agency Manager Authoring Share: N/A

Title: N/A

Receiving Agency: San Rafael Police Department

Agency Manager Receiving Share: N/A

Title: N/A

Date of MOU: N/A

MARIN COUNTY SHERIFF'S DEPARTMENT GENERAL ORDER

CHAPTER 5 – OPERATIONS
GO-05-20
PAGE 1 of 2

DATE: 2-23-12

AUTOMATED LICENSE PLATE RECOGNITION (ALPR)

POLICY

It is the policy of this department to establish a procedure for the use of an automated license plate recognition system. The intent of this policy is to create procedures to protect the information collected and identify the authorized uses of the automated license plate recognition system.

DEFINITION

AUTOMATED LICENSE PLATE RECOGNITION (ALPR) SYSTEM is a computer based system that utilizes special cameras to capture a color image, as well as an infrared image, of the license plate of a passing vehicle. The infrared image is converted into a text file utilizing Optical Character Recognition (OCR) technology. The text file is automatically compared against an "information data file" containing information on stolen or wanted vehicles as well as vehicles associated with AMBER alerts, warrant subjects, or other criteria.

PROCEDURE

The ALPR technology provides a manner in which vehicle license plates can be automatically scanned by a computer from a moving vehicle or a fixed location. If the license plate is a match and comes up wanted, the system will alert the officer with both an audible and visible alert. Images of the license plate and vehicle, as well as a brief explanation of what the vehicle is wanted for will be displayed. The entire process is automatic and takes less than a second.

The ALPR system has the capability to capture quality images in a variety of settings, including darkness, oncoming headlights, bright sunlight, low sunlight, deep shadows, and glare. The system has the capability to capture the license plate while capturing a color overview image of the vehicle associated with the plate. The system has the capability to allow authorized personnel to search for previously read plates and retrieve a GPS time stamped photo of each read plate. The system also has the capability to allow read plates to be plotted on a map for analysis.

It should be noted that the ALPR system will not read all license plates. The system only reads plates that it "sees." Plates must be in the field of view of the camera and in the infrared color spectrum. Specifically, in order to read the plate, it must have reflective characteristics. Older blue California plates and extremely dirty, mutilated, or obscured plates may not be readable. Out of state and motorcycle plates can be read but accuracy may be reduced.

Once a license plate is detected by the ALPR system as being wanted, an officer must visually verify the license plate on the vehicle and confirm its wanted status through CLETS. The wanted vehicle database is not real-time and this step is necessary to confirm the vehicle is still wanted and the plate was properly read.

All traffic enforcement stops related to ALPR system hits will follow the Marin County Sheriff's Department Emergency Vehicle Regulations General Order (PAT 02-04).

The information collected by the ALPR system shall be maintained for a minimum of two years and may be queried only for use in official law enforcement investigations. Access to the raw ALPR database is restricted to approved personnel with assigned passwords. This information is classified as "Law Enforcement Sensitive" and shall not be released to the public except pursuant to Government Code Section 6253.

The assigned Vehicle Theft Investigator for the Department will be the ALPR program manager. He/She will be responsible for controlling access to ALPR data and user/data query audits.

RELATED STANDARDS

PAT- 02-04

AFFECTED DIVISIONS

Patrol
Investigations
Task Force

By Order Of

ROBERT T. DOYLE
Sheriff-Coroner